

Case 1:03-cv-08138-LAP Document 85 Filed 08/19/10 Page 1 of 7

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document # _____

Bendik

U.S.C.A. # 10-2968-CV

-v-

U.S.D.C. # 03-CV-8138

Hartford Life Insurance Company

JUDGE: LAP

DATE: 8/18/10

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME):

Dairy F.

FIRM:

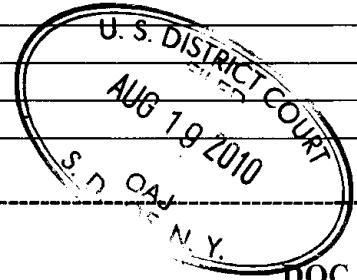
A.I.

ADDRESS:

3 Barker Ave

PHONE NO.:

914-948-2248



DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

(☒) ORIGINAL RECORD

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the _____ Day of _____, 2010.

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Bendik

U.S.C.A. # 10-2968-CV

-v-

U.S.D.C. # 03-CV-8138

Hartford Life Insurance Company

JUDGE: LAPDATE: 8/18/10

CLERK'S CERTIFICATE

I, Ruby J. Krajick, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered ____ through ____, inclusive, constitutes the Original Record On Appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

4/30/04	Doc # 16 Motion	ECF
12/04/09	Notice of Appearance	
12/11/09	Notice of Appearance	
12/11/09	Affidavit of Service	
1/27/10	Notice of Change of Address	
2/26/10	Rule 56.1 Statement	
2/26/10	Motion for Summary	
2/26/10	Affirmation	
2/26/10	Filing Error	
2/26/10		

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this ____ Day of _____, In this year of our Lord, Two Thousand and Ten, and the Independence of the United States this 235TH year.

Ruby J. Krajick, Clerk

By _____

Deputy Clerk

CLOSED, APPEAL

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:03-cv-08138-LAP

Bendik v. Hartford Life Ins., et al
Assigned to: Judge Loretta A. Preska
Demand: \$0
Cause: 28:1331 Fed. Question: Fair Labor Standards

Date Filed: 10/15/2003
Date Terminated: 07/14/2010
Jury Demand: Plaintiff
Nature of Suit: 791 Labor: E.R.I.S.A.
Jurisdiction: Federal Question

Date Filed	#	Docket Text
10/15/2003	<u>1</u>	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 488057. (gmo) (Entered: 10/16/2003)
10/15/2003	<u>2</u>	RULE 7.1 CERTIFICATE filed by Michael M. Bendik . (gmo) (Entered: 10/16/2003)
10/15/2003		Magistrate Judge Henry B. Pitman is so designated. (gmo) (Entered: 10/16/2003)
11/14/2003	<u>3</u>	STIPULATION and ORDER, reset answer to complaint due for 12/15/03 for Credit Suisse First (signed by Judge Loretta A. Preska (cd) (Entered: 11/17/2003)
11/19/2003	<u>4</u>	STIPULATION and ORDER: the time for dft Hartford Life Ins. to answer, move or otherwise respond to the complaint is extended to 12/15/03 . (signed by Judge Loretta A. Preska) (db) (Entered: 11/20/2003)
12/22/2003	<u>7</u>	STIPULATION AND ORDER, that the time for deft The Hartford Life Insurance to answer the complaint is extended to 1/16/04 (Signed by Judge Loretta A. Preska on 12/18/03) (cd,) (Entered: 01/08/2004)
12/22/2003		Set Answer Due Date purs. to 7 Stipulation and Order as to Hartford Life Insurance Company answer due on 1/16/2004. (cd,) (Entered: 01/08/2004)
12/23/2003	<u>5</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Credit Suisse First Boston (USA), Inc. served on 10/17/2003, answer due 11/6/2003. Service was accepted by Susan Steffen. Document filed by Michael M. Bendik. (cd,) (Entered: 01/05/2004)
12/23/2003	<u>6</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Hartford Life Insurance Company served on 10/30/2003, answer due 11/19/2003. Service was accepted by Monika Selmont. Document filed by Michael M. Bendik. (dle,) (Entered: 01/05/2004)
12/30/2003	<u>8</u>	STIPULATION AND ORDER: the time for defendant Credit Suisse First Boston (USA), Inc. may answer, move or otherwise respond to the complaint is extended to 1/26/04. (Signed by Judge Loretta A. Preska on 12/12/03) (db,) (Entered: 01/15/2004)
12/30/2003		Set Answer Due Date purs. to 8 Stipulation and Order as to Credit Suisse First Boston (USA), Inc. answer due on 1/26/2004. (db,) (Entered: 01/15/2004)
01/16/2004	<u>9</u>	MEMORANDUM, that the parties are informed that the law firm in which my husband is a partner, Cahill Gordon & Reindel, from time to time represents CSFB or its affiliates. (Signed by Judge Loretta A. Preska on 12/23/03) (tp,) (Entered: 01/28/2004)
02/04/2004	<u>10</u>	STIPULATION AND ORDER; that the time for deft Credit Suisse First Boston to answer or move with respect to the complaint in this action is extended to and including 2/9/2004. (Signed by Judge Loretta A. Preska on 2/2/04) (jp,) (Entered: 02/05/2004)
02/04/2004		Set Answer Due Date purs. to 10 Stipulation and Order as to Credit Suisse First Boston (USA), Inc. answer due on 2/9/2004. (jp,) (Entered: 02/05/2004)
02/20/2004	<u>11</u>	NOTICE of Change of Address by Hartford Life Insurance Company. New Address: Barger and Wolen LLP, 10 East 40th Street, 40th Floor, New York, New York, 10110, (212) 557-2800. (sac,) (Entered: 02/24/2004)
03/02/2004	<u>12</u>	STIPULATION AND ORDER that the defendant Credit Suisse First Boston (USA) Inc,time to answer, move, and or otherwise respond to the complaint is extended up to and including 3/1/2004. (Signed by Judge Loretta A. Preska on 2/20/2004) (jsa,) Modified on 3/4/2004 (jsa,). Copies faxed by chambers. (Entered: 03/04/2004)
03/02/2004		Set Answer Due Date purs. to 12 Stipulation and Order as to Credit Suisse First Boston (USA), Inc. answer due on 3/1/2004. (jsa,) (Entered: 03/04/2004)
03/09/2004	<u>13</u>	STIPULATION AND ORDER; that the time for deft Credit Suisse First Boston to answer or move with respect to the complaint in this action is extended to and including 3/29/2004. (Signed by Judge Loretta A. Preska on 3/4/2004) (jp,) (Entered: 03/09/2004)
03/09/2004		Set Answer Due Date purs. to 13 Stipulation and Order as to Credit Suisse First Boston (USA), Inc. answer due on 3/29/2004. (jp,) (Entered: 03/09/2004)

03/09/2004	14	NOTICE of Change of Address by Michael J. Levin on behalf of Hartford Life Insurance Company. New Address: Barger and Wolen, LLP, 10 East 40th Street, 40th Floor, New York, NY, USA 10016-0301, 212 557-2800. (ps,) (Entered: 03/16/2004)
04/21/2004	15	STIPULATION AND ORDER; the time within which defendant Credit Suisse First Boston (USA), Inc may answer, move, and/or otherwise respond to the complaint herein is extended to and including April 30, 2004; (Signed by Judge Loretta A. Preska on 04/05/04) (dj,) (Entered: 04/21/2004)
04/21/2004		Set Answer Due Date purs. to 15 Stipulation and Order, as to Credit Suisse First Boston (USA), Inc. answer due on 4/30/2004. (dj,) (Entered: 04/21/2004)
04/30/2004	16	MOTION (FILED ON SERVICE DATE) to Dismiss pursuant to Rule 12(b)(6) of the FRCP. Affirmation of Laura H. Allen is attached. Document filed by Credit Suisse First Boston (USA), Inc. (kw,) (Entered: 05/03/2004)
04/30/2004	17	MEMORANDUM OF LAW in Support re: 16 MOTION (FILED ON SERVICE DATE) to Dismiss. Document filed by Credit Suisse First Boston (USA), Inc. (kw,) (Entered: 05/03/2004)
05/21/2004	18	ENDORSED LETTER addressed to Judge Loretta A. Preska from Christopher E. Chang dated 5/17/04; re: that CSFB's pending motion to dismiss should be held in abeyance pending the resolution of the final settlement issue between the parties. Counsel shall report to the Court by letter no later than 6/4/04. (Signed by Judge Loretta A. Preska on 5/19/04) (sac,) (Entered: 05/25/2004)
03/25/2005	19	STIPULATION AND ORDER OF DISMISSAL IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto, by their undersigned counsel that pursuant to Rule 41(a)(1), Fed. R. Civ. P. this action is hereby dismissed with prejudice as to defendant Credit Suisse First Boston (U.S.A.), Inc., with the parties to bear their own costs. The Clerk of the Court shall mark Credit Suisse First Boston's pending motion (Docket No. 16) denied as moot.igned by Judge Loretta A. Preska on 3/17/05) (dt,) (Entered: 03/28/2005)
07/25/2005	20	ORDER defendant may proceed with the motion for summary judgment proposed in counsels July 11th letter. To the extent that plaintiff believes discovery is necessary, he may submit an affidavit pursuant to Rule 56(f). So Ordered. (Signed by Judge Loretta A. Preska on 7/18/05) (jco,) (Entered: 07/28/2005)
10/17/2005	21	ENDORSED LETTER: addressed to Judge Loretta A. Preska from Michael J. Levin dated 9/29/2005 re: defendant is writing to request permission to file a memorandum of law of 25 pages. ENDORSEMENT: Granted. Counsel is reminded that both text and footnotes shall be in 12-point type. So Ordered. (Signed by Judge Loretta A. Preska on 10/12/2005) (lb,) (Entered: 10/18/2005)
11/14/2005	22	MOTION (FILED ON SERVICE DATE) for Summary Judgment dismissing the complaint on the grounds that there are no material triable issues of fact. Rule 56.1 Statement and Moore Declaration attached. Document filed by Hartford Life Insurance Company. (lb,) (Entered: 11/15/2005)
11/14/2005	23	THE HARTFORD'S MEMORANDUM IN SUPPORT OF IT'S MOTION FOR SUMMARY JUDGMENT re: 22 MOTION (FILED ON SERVICE DATE) for Summary Judgment. Document filed by Hartford Life Insurance Company. (lb,) (Entered: 11/15/2005)
11/23/2005	24	ENDORSED LETTER: addressed to Judge Loretta A. Preska from Christopher E. Chang dated 11/21/2005 re: plaintiff is requesting an extension of time to serve and file opposition papers to defendant's motion for summary judgment until 12/15/2005. ENDORSEMENT: So Ordered. (Signed by Judge Loretta A. Preska on 11/22/2005) (lb,) (Entered: 11/29/2005)
12/14/2005	25	ENDORSED LETTER addressed to Judge Loretta A. Preska from Christopher E. Chang dated 12/13/2005 re: to request an extension of time to January 16,2006. So Ordered. (Signed by Judge Loretta A. Preska on 12/13/2005) (jmi,) (Entered: 12/15/2005)
01/13/2006	26	MOTION for partial Summary Judgment. Document filed by Michael M. Bendik. (cd,) (Entered: 01/19/2006)
01/13/2006	27	DECLARATION of Michael Bendik in Support re: 26 MOTION for Summary Judgment. Document filed by Michael M. Bendik. (cd,) (Entered: 01/19/2006)
01/13/2006	28	DECLARATION of Christopher Chang in Support re: 26 MOTION for Summary Judgment. Document filed by Michael M. Bendik. (cd,) (Entered: 01/19/2006)
01/13/2006	29	RULE 56.1 STATEMENT. Document filed by Michael M. Bendik. (cd,) (Entered: 01/19/2006)
01/13/2006	30	COUNTER STATEMENT TO 29 Rule 56.1 Statement. Document filed by Michael M. Bendik. (cd,) (Entered: 01/19/2006)
01/13/2006	31	MEMORANDUM OF LAW in Support re: 26 MOTION for Summary Judgment. Document filed by Michael M. Bendik. (cd,) (Entered: 01/19/2006)
01/26/2006	32	ENDORSED LETTER addressed to Judge Loretta A. Preska from Michael J. Levin dated 1/19/2006 re: a request for an extension of time until 2/20/2006 for Hartford to file its reply papers. ENDORSEMENT: SO ORDERED. (Signed by Judge Loretta A. Preska on 1/20/06) (kco,) (Entered: 01/26/2006)
02/22/2006	33	ENDORSED LETTER addressed to Judge Loretta A. preska from Michael J. Levin dated 2/16/2006 re: to file its reply papers in support of its motion for summary judgment and its papers in opposition to Plaintiff's motion for partial summary judgment to March 13,2006. Replies due by 3/13/2006. Responses due by 3/13/2006SO Ordered. (Signed by Judge Loretta A. Preska on 2/17/2006) (jmi,) (Entered: 02/23/2006)

03/14/2006	34	MEMORANDUM of Defendant Hartford Life Insur Company (1) in reply on its motion for summary Judgment and (2) in opposition to Plaintiff's Motion for Partial Summary Judgment. Document filed by Hartford Life Insurance Company. (dj,) (Entered: 03/15/2006)
03/14/2006	35	RESPONSE to Plaintiff's rule 56.1 Statement of Uncontested Material facts Submitted in Support of Plaintiff's Cross-Motion for Partial Summary Judgment. Document filed by Hartford Life Insurance Company. (dj,) (Entered: 03/15/2006)
03/14/2006	36	DECLARATION of Annette Moore in Support re: 22 MOTION (FILED ON SERVICE DATE) for Summary Judgment. Document filed by Hartford Life Insurance Company. (dj,) (Entered: 03/15/2006)
03/15/2006	37	DECLARATION of George Whipple III. (jco,) (Entered: 03/15/2006)
03/22/2006	38	ENDORSED LETTER addressed to Judge Loretta A. Preska from Christopher E. Chang dated 3/20/2006 re: to request an extension of time to Monday, April 10, 2006. Replies due by 4/10/2006. ENDORSEMENT: Plaintiff's reply papers due April 10, 2006. So Ordered. (Signed by Judge Loretta A. Preska on 3/21/2006) (jmi,) (Entered: 03/23/2006)
04/10/2006	39	REPLY MEMORANDUM OF LAW in Support re: 26 MOTION (FILED ON SERVICE DATE) for Summary Judgment. Document filed by Michael M. Bendik. (cd,) (Entered: 04/11/2006)
04/10/2006	40	REPLY AFFIDAVIT of Christopher Chang in Support re: 39 Reply Memorandum of Law in Support of Motion. Document filed by Michael M. Bendik. (cd,) (Entered: 04/11/2006)
05/25/2006	41	ORDER; Oral Argument is set for 8/4/2006 at 8:45 AM before Judge Loretta A. Preska. (Signed by Judge Loretta A. Preska on 5/23/06) (kco,) (Entered: 05/25/2006)
08/10/2006	42	ORDER Defendant's motion for summary judgment (docket no. 22) and plaintiff's motion for partial summary Judgment (docket no. 26) are both denied on the ground that an issue of fact exists as to whether a conflict of interest in fact influenced The Hartford's claim determination. (Signed by Judge Loretta A. Preska on 8/9/06) (js,) (Entered: 08/11/2006)
09/28/2006	43	ENDORSED LETTER addressed to Judge Loretta A. Preska from Michael J. Levin dated 9/25/2006 re: suggesting that the date for completion of the depositions be extended to the end of December. ENDORSEMENTS: Counsel shall report to the Court by letter no later than 1/12/2007 as to how they wish to proceed. So Ordered. (Signed by Judge Loretta A. Preska on 9/27/2006) (lb,) (Entered: 09/29/2006)
01/24/2007	44	ENDORSED LETTER addressed to Judge Loretta A. Preska from Christopher E. Chang dated 1/12/2007 re: a request that counsel for the parties report to the court on how they wish to proceed by no later than 2/26/2007. ENDORSEMENT: SO ORDERED. (Signed by Judge Loretta A. Preska on 1/23/07) (kco) (Entered: 01/25/2007)
01/29/2007	45	CONSENT CONFIDENTIALITY ORDER; regarding procedures that shall govern the handling of "Confidential Information". (Signed by Judge William H. Pauley III on 1/26/07) (ae) (Entered: 01/30/2007)
03/27/2007	46	ORDER; having reviewed counsel's recent correspondence on the issue, plaintiff may take the deposition of Dr. William Sniger with respect to the conflict of interest/independence issue. (Signed by Judge Loretta A. Preska on 3/23/07); copies faxed by chambers. (dj,) (Entered: 03/28/2007)
06/05/2007		Minute Entry for proceedings held before Judge Loretta A. Preska : Interim Pretrial Conference held by Telephone on 6/5/2007. (tro) (Entered: 06/14/2007)
10/24/2007		Minute Entry for proceedings held before Judge Loretta A. Preska : Telephone (Pretrial) Conference held on 10/24/2007. (jar) (Entered: 11/05/2007)
11/14/2007	47	ENDORSED LETTER addressed to Judge Loretta A. Preska from Michael J. Levin dated 11/8/07 re: Counsel for Defendant requests that the proposed schedule be so ordered: Hartford's papers in further support of its motion for summary judgment will be serve by 12/10/07. Plaintiff's papers opposing Hartford's motion will be served 30 days after service of Hartford's moving papers. Hartford's reply papers will be served 15 days after service of Plaintiff's papers opposing summary judgment. ENDORSEMENT: The schedule set out above is approved. (Signed by Judge Loretta A. Preska on 11/12/07) (tro) (Entered: 11/15/2007)
01/11/2008	48	NOTICE OF CROSS MOTION for Partial Summary Judgment. Attached is Declaration by Christopher E. Chang, Exq., Pursuant to Rule 56(f), FRCP. Document filed by Michael M. Bendik.(dj,) (Entered: 01/17/2008)
01/11/2008	49	MEMORANDUM OF LAW in Support re: 48 MOTION for Partial Summary Judgment and in Opposition to Defendant's Motion for Summary Judgment. Document filed by Michael M. Bendik. (dj,) (Entered: 01/17/2008)
01/22/2008	50	MOTION for Summary Judgment dismissing the Complaint on the grounds that there are no material triable issues of fact and Hartford is entitled to judgment as a matter of law, and for such other and further relief as is just. Document filed by Hartford Life Insurance Company.(jmi) (Entered: 01/24/2008)
01/22/2008	51	MEMORANDUM OF LAW in Support re: 50 MOTION for Summary Judgment. Document filed by Hartford Life Insurance Company, Credit Suisse First Boston (USA), Inc. (jmi) (Entered: 01/24/2008)
01/25/2008	52	ENDORSED LETTER addressed to Judge Loretta A. Preska from Michael J. Levin dated 1/24/08 re: Counsel for defendant writes to request a one week extension of Hartford's time to serve its reply papers to February 1, 2008. ENDORSEMENT: So Ordered. (Signed by Judge Loretta A. Preska on 1/25/08) (js) (Entered: 01/25/2008)
02/06/2008	53	MEMORANDUM OF LAW in Opposition to Plaintiff's Cross Motion for Partial Summary Judgment and Reply on its Renewed Motion for Summary Judgment. Document filed by Hartford Life Insurance Company. (dj,) (Entered: 02/07/2008)

08/29/2008	<u>54</u>	MEMORANDUM AND ORDER For the reasons set forth in this order Defendant's motion for summary judgment(dkt. no. 50) is GRANTED. Plaintiff's cross-motion for partial summary judgment (dkt. no. 48) is DENIED. The Clerk of the Court shall mark this action closed and all pending motions denied as moot.. (Signed by Judge Loretta A. Preska on 8/29/08) (mme) (Entered: 08/29/2008)
08/29/2008		Transmission to Judgments and Orders Clerk. Transmitted re: <u>54</u> Order on Motion for Partial Summary Judgment, Order on Motion for Summary Judgment,,, to the Judgments and Orders Clerk. (mme) (Entered: 08/29/2008)
08/29/2008	<u>55</u>	CLERK'S JUDGMENT That for the reasons stated in the Court's Memorandum and Order dated August 29, 2008, defendants motion for summary judgment is granted and plaintiffs cross-motion for summary judgment is denied; accordingly, the case is closed and all pending motions dare denied as moot. (Signed by J. Michael McMahon, clerk on 8/29/08) (Attachments: # <u>1</u> notice of right to appeal)(ml) (Entered: 08/29/2008)
08/29/2008		Mailed notice of Right to Appeal to Attorney(s) of Record: Laura Allen, Christopher E. Chang, Michael Joseph Levin. (ama) (Entered: 09/02/2008)
09/17/2008	<u>56</u>	NOTICE OF APPEAL from <u>54</u> Order on Motion for Partial Summary Judgment, Order on Motion for Summary Judgment. Document filed by Michael M. Bendik. Filing fee \$ 455.00, receipt number E 663223. Copies of Notice of Appeal mailed to attorney(s) of record: Berger & Wolen LLP. (nd) (Entered: 09/17/2008)
09/17/2008		Transmission of Notice of Appeal to the District Judge re: <u>56</u> Notice of Appeal,. (nd) (Entered: 09/17/2008)
09/17/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>56</u> Notice of Appeal,. (nd) (Entered: 09/17/2008)
02/04/2009	<u>57</u>	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for <u>56</u> Notice of Appeal, filed by Michael M. Bendik USCA Case Number 08-4626-cv, 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (tp) (dt). (Entered: 02/04/2009)
11/30/2009	<u>58</u>	MANDATE of USCA (Certified Copy) as to <u>56</u> Notice of Appeal, filed by Michael M. Bendik USCA Case Number 08-4626-cv. Ordered, Adjudged and Decreed that the judgment of the District Court is VACATED and the case is REMANDED. Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 11/25/2009. (nd) (Entered: 11/30/2009)
11/30/2009		Transmission of USCA Mandate/Order to the District Judge re: <u>58</u> USCA Mandate,. (nd) (Entered: 11/30/2009)
12/04/2009	<u>59</u>	NOTICE OF APPEARANCE by Geraldine G. Sanchez on behalf of Hartford Life Insurance Company (Sanchez, Geraldine) (Entered: 12/04/2009)
12/10/2009	<u>62</u>	MOTION for Byrne J. Decker to Appear Pro Hac Vice. Document filed by Hartford Life Insurance Company.(mro) (Entered: 12/14/2009)
12/11/2009	<u>60</u>	NOTICE OF APPEARANCE by Scott Madison Riemer on behalf of Michael M. Bendik (Riemer, Scott) (Entered: 12/11/2009)
12/11/2009	<u>61</u>	AFFIDAVIT OF SERVICE of Notice of Appearance served on Geraldine G Sanchez on December 11, 2009. Service was made by Mail. Document filed by Michael M. Bendik. (Riemer, Scott) (Entered: 12/11/2009)
12/18/2009	<u>63</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION: granting <u>62</u> Motion for Byrne J. Decker to Appear Pro Hac Vice. (Signed by Judge Loretta A. Preska on 12/17/2009) Copies Faxed By Chambers.(jfe) (Entered: 12/18/2009)
12/18/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <u>63</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jfe) (Entered: 12/18/2009)
12/23/2009		CASHIERS OFFICE REMARK on <u>62</u> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 12/10/2009, Receipt Number 708146. (jd) (Entered: 12/23/2009)
01/19/2010	<u>64</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Scott M. Riemer dated 1/13/2010 re: The parties jointly propose the following briefing schedule for cross-motions for summary judgment: Moving Briefs due February 26, 2010, Opposition Briefs due March 19, 2010, Reply Briefs due March 30, 2010. ENDORSEMENT: So Ordered. (Signed by Judge Loretta A. Preska on 1/15/2010) Faxed By Chambers (jpo) (Entered: 01/19/2010)
01/27/2010	<u>65</u>	NOTICE OF CHANGE OF ADDRESS by Scott Madison Riemer on behalf of Michael M. Bendik. New Address: Riemer & Associates LLC, 60 East 42nd Street, Suite 1750, New York, New York, USA 10165, 212-297-0700. (Riemer, Scott) (Entered: 01/27/2010)
02/26/2010	<u>66</u>	RULE 56.1 STATEMENT. Document filed by Michael M. Bendik. (Riemer, Scott) (Entered: 02/26/2010)
02/26/2010	<u>67</u>	MOTION for Summary Judgment. Document filed by Michael M. Bendik. Responses due by 3/19/2010 Return Date set for 3/30/2010 at 05:00 PM.(Riemer, Scott) (Entered: 02/26/2010)
02/26/2010	<u>68</u>	AFFIRMATION of Scott M. Riemer in Support re: <u>67</u> MOTION for Summary Judgment.. Document filed by Michael M. Bendik. (Attachments: # <u>1</u> Exhibit 29, # <u>2</u> Exhibit 30, # <u>3</u> Exhibit 31)(Riemer, Scott) (Entered: 02/26/2010)
02/26/2010	<u>69</u>	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - MOTION for Summary Judgment. Document filed by Michael M. Bendik. Responses due by 3/19/2010 Return Date set for 3/30/2010 at 05:00 PM.(Riemer, Scott) Modified on 3/1/2010 (db). (Entered: 02/26/2010)
02/26/2010	<u>70</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Hartford Life, Inc., Hartford Holdings, Inc. and The Hartford Financial Services Group, Inc. as Corporate Parent. Document filed by Hartford Life Insurance Company.(Decker,

		Byrne) (Entered: 02/26/2010)
02/26/2010	<u>71</u>	RULE 56.1 STATEMENT. Document filed by Hartford Life Insurance Company. (Decker, Byrne) (Entered: 02/26/2010)
02/26/2010	<u>72</u>	MOTION for Summary Judgment. Document filed by Hartford Life Insurance Company.(Decker, Byrne) (Entered: 02/26/2010)
02/26/2010	<u>73</u>	MEMORANDUM OF LAW in Support re: <u>72</u> MOTION for Summary Judgment.. Document filed by Hartford Life Insurance Company. (Decker, Byrne) (Entered: 02/26/2010)
02/26/2010		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Note to Attorney Scott Madison Riemer to RE-FILE Document <u>69</u> MOTION for Summary Judgment. Use the event type Memorandum of Law in Support of Motion found under the event list Replies, Opposition and Supporting Documents. (db) (Entered: 03/01/2010)
03/01/2010	<u>74</u>	MEMORANDUM OF LAW in Support re: <u>67</u> MOTION for Summary Judgment.. Document filed by Michael M. Bendik. (Riemer, Scott) (Entered: 03/01/2010)
03/19/2010	<u>75</u>	AFFIRMATION of Scott M. Riemer in Opposition re: <u>72</u> MOTION for Summary Judgment.. Document filed by Michael M. Bendik. (Attachments: # <u>1</u> Exhibit 32, # <u>2</u> Exhibit 33)(Riemer, Scott) (Entered: 03/19/2010)
03/19/2010	<u>76</u>	COUNTER STATEMENT TO <u>71</u> Rule 56.1 Statement. Document filed by Michael M. Bendik. (Riemer, Scott) (Entered: 03/19/2010)
03/19/2010	<u>77</u>	RESPONSE re: <u>66</u> Rule 56.1 Statement. Document filed by Hartford Life Insurance Company. (Decker, Byrne) (Entered: 03/19/2010)
03/19/2010	<u>78</u>	MEMORANDUM OF LAW in Opposition re: <u>67</u> MOTION for Summary Judgment.. Document filed by Hartford Life Insurance Company. (Decker, Byrne) (Entered: 03/19/2010)
03/19/2010	<u>79</u>	MEMORANDUM OF LAW in Opposition re: <u>72</u> MOTION for Summary Judgment.. Document filed by Michael M. Bendik. (Riemer, Scott) (Entered: 03/19/2010)
03/30/2010	<u>80</u>	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - REPLY MEMORANDUM OF LAW in Support re: <u>67</u> MOTION for Summary Judgment.. Document filed by Michael M. Bendik. (Riemer, Scott) Modified on 3/31/2010 (jar). (Entered: 03/30/2010)
03/30/2010	<u>81</u>	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - REPLY MEMORANDUM OF LAW in Support re: <u>72</u> MOTION for Summary Judgment. Document filed by Hartford Life Insurance Company. (Decker, Byrne) Modified on 3/31/2010 (jar). (Entered: 03/30/2010)
03/30/2010		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Scott Riemer to MANUALLY RE-FILE Document Reply Memorandum of Law in Support, Document No. 80. This case is not ECF. (jar) (Entered: 03/31/2010)
03/30/2010		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Byrne Decker to MANUALLY RE-FILE Document Reply Memorandum of Law in Support, Document No. 81. This case is not ECF. (jar) (Entered: 03/31/2010)
07/12/2010	<u>82</u>	MEMORANDUM AND ORDER: For the aforementioned reasons, the Supreme Court's holding in Glenn does not affect this Court's prior holding that Hartford did not act arbitrarily and capriciously in denying long-term disability benefits to Bendik. Accordingly, Defendant's motion for summary judgment [dkt. no. 72] is GRANTED. Plaintiff's motion for summary judgment [dkt no. 67] is DENIED. (Signed by Judge Loretta A. Preska on 7/12/2010) Copies Mailed By Chambers.(jfe) (Entered: 07/12/2010)
07/12/2010		Transmission to Judgments and Orders Clerk. Transmitted re: <u>82</u> Order on Motion for Summary Judgment,,, to the Judgments and Orders Clerk. (jfe) (Entered: 07/12/2010)
07/14/2010	<u>83</u>	CLERK'S JUDGMENT That for the reasons stated in the Court's Memorandum and Order dated July 12, 2010, defendant's motion for summary judgment is granted, and plaintiff's motion for summary judgment is denied. (Signed by Clerk of Court Ruby Krajick on 7/14/10) (Attachments: # <u>1</u> notice of right to appeal)(ml) (Entered: 07/14/2010)
07/14/2010		Transmission to Docket Assistant Clerk. Transmitted re: <u>83</u> Clerk's Judgment,, to the Docket Assistant Clerk for case processing. (ml) (Entered: 07/14/2010)
07/14/2010		Mailed notice of Right to Appeal re: <u>83</u> Clerk's Judgment, to Attorney(s) of Record: Laura H. Allen, Christopher E. Chang, Byrne J. Decker, Michael Joseph Levin, Scott Madison Riemer, Geraldine G. Sanchez. (cef) (Entered: 07/15/2010)
07/14/2010		Mailed notice of Right to Appeal and to Attorney(s) of Record: Laura H. Allen, Christopher E. Chang, Byrne J. Decker, Michael Joseph Levin, Scott Madison Riemer, Geraldine G. Sanchez. (ajc) (Entered: 07/16/2010)
07/22/2010	<u>84</u>	NOTICE OF APPEAL from <u>83</u> Clerk's Judgment, <u>82</u> Memorandum and Order. Document filed by Michael M. Bendik. Filing fee \$ 455.00, receipt number E 909402. (nd) (Entered: 07/22/2010)
07/22/2010		Transmission of Notice of Appeal to the District Judge re: <u>84</u> Notice of Appeal. (nd) (Entered: 07/22/2010)
07/22/2010		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>84</u> Notice of Appeal. (nd) (Entered: 07/22/2010)